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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,795	09/29/2003	Kalman Pelhos	169.12-0582	2975

164 7590 08/23/2005
KINNEY & LANGE, P.A.
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MINNEAPOLIS, MN 55415-1002

EXAMINER

TUROCZY, DAVID P

ART UNIT	PAPER NUMBER
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1762

DATE MAILED: 08/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,795

Applicant(s)

PELHOS ET AL.

Examiner

David Turocy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 and 18-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 13 and 15-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The applicant's amendments, filed 7/6/2005, have been fully considered and reviewed by the examiner. The examiner notes the amendments to the drawings and the specification to correct minor informalities. In light of the amendments to the claims the 35 USC 102(b) rejection to Sugita et al and 35 USC 102(e) rejections to Druz et al and Wang et al. have been withdrawn. The examiner notes the cancellation of claims 12 and 14. Claims 1-11, 13, and 15-20 remain pending and Claims 1-10 and 18-20 remain withdrawn pursuant a restriction requirement.

Response to Arguments

2. Applicant's arguments with respect to Sugita et al, Druz et al, and Wang et al have been considered but are moot in view of the new ground(s) of rejection.
3. Applicant's arguments filed 7/6/2005 with respect to Hitachi et al. have been fully considered but they are not persuasive.

The applicant has argued against the Hitachi reference stating the reference fails to teach rotating the substrate about an axis of rotation while depositing the vapor onto the substrate. In addition the applicant argues Hitachi teaches while the substrate is attached to the rotating jig, the jig rotates not the substrate, where the substrate rotates around the jig and not an axis of rotation. The examiner respectfully disagrees. As shown in the figures, the jig (2) rotates a shaft (3), which in turn rotates the substrate (1), fixed to the shaft. Therefore, while the jig rotates, the substrate will inherently rotate

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about a certain fixed point, or in other words the substrate will have an axis of rotation.

The axis of rotation, as shown by the drawings, will inherently lie along the shaft connecting the jig and the substrate, or the center of the substrate.

The applicant has argued against the Hitachi reference stating the reference does not teach of an aperture extending in a radial direction with respect to the axis of rotation of the substrate. The examiner respectfully disagrees. The aperture, shown in the figures, travels along radii of the substrate and it is the examiners position that the figures reasonably suggest to one of ordinary skill in the art at the time of the invention that the aperture originates at the center of the circular substrate. Therefore, Hitachi, as disclosed in the figures, discloses a shadow mask with an aperture that extends in a radial direction with respect to the axis of rotation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent Abstract 58-128023 by Hitachi LTD, hereafter Hitachi.

These claims are rejected for the same reasons as set forth in the office action dated 5/5/2005 and for the reasons set forth in section 3 above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hitachi and further in view of Wang.

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These claims are rejected for the same reasons as set forth in the office action dated 5/5/2005 and for the reasons set forth in section 3 above.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Turocy whose telephone number is (571) 272-2940. The examiner can normally be reached on Monday-Friday 8:30-6:00, No 2nd Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Turocy
AU 1762

ELENA TSOY
PRIMARY EXAMINER
ETsoy